

REMARKS

Claims 1, 20, 39, and 45 have been amended and new claims 48-55 have been added. No new matter is introduced by the amendments and new claims. The amendments are supported by the specification on page 16, line 20-24 and page 18, lines 2-9, among other places. The new claims are supported by the original independent claims, among other places. Claims 1-13, 20-32, 39, 45, and 48-55 remain pending.

Claim 1 is directed towards a method "of facilitating redirection of traffic between a server and a client to between the client and a nearest replica selected from a plurality of replicas." Claim 1 also requires "receiving a packet that is traveling between a client and a server or between the client and a replica" and "when the received packet is a start packet that is traveling from the client to the server, altering the start packet to indicate that the start packet should be forwarded to any replica that duplicates the data content of the server." Claim 1 further recites that "when the received packet is an acknowledgement packet that is received first in response to the forwarded start packet, altering the acknowledgement so that it spoofs the server when the acknowledgement originates from the replica and forwarding the altered acknowledgement to the client" and "when the received packet is an acknowledgement that is not received first in response to the forwarded start packet, inhibiting the sending of the acknowledgement to the client." In other words, only the first received acknowledgement that is in response to the start packet is altered to spoof the server. Acknowledgements which are received after the first acknowledgement packet result in inhibition of sending of the acknowledgement to the client. Consequently, only the data from the fastest responding (and probably closest) replica is altered to spoof the server and forwarded to the client, which allows for the most efficient replica to be utilized. Independent claims 20, 39, and 45 have a similar limitation regarding handling of first received and subsequent received acknowledgement packets.

Although a Notice of Allowance has been received, the claims amended herein will now be discussed in light of the references cited in the last received Office Action of 14 October 2003. The primary reference Mogul merely discloses a system for sending packets to a plurality of replicas. Mogul specifically describes a "transparent replica 10" which "sits between the server replicas 20 and 22 and their clients 12, 14, and 16." See Col. 3, Lines 10-11. When a packet is received at the transparent replica, the transparent replica merely determines to which replica to send the packet. See Col. 3, Lines 23-29. The transparent replica then makes a notation in a table, alters the packet, and then forwards the altered packet to the selected replica. See Col. 3, Lines 30-36. When a response is received back from the selected replica, the transparent replica then alters the response packet so it appears to originate from the original server destination specified by the client in the original request packet. See Col. 3, Lines 42-51.


BEST AVAILABLE COPY

Finally, when the connection between a client and the selected replica is terminated, the corresponding entry for the selected and disconnecting replica is removed from the transparent replica's table. See Col. 3, Lines 52-55. In other words, since the Mogul selects a single replica for sending the initial request from the client, the reference Mogul is only dealing with response packets from a single replica. Accordingly, Mogul fails to teach or suggest any mechanism for handling acknowledgement packets which are not received first in response to a start packet. Thus, Mogul does not provide any mechanism for achieving the goal of using the fastest responding replica, in the manner claimed. The secondary reference Nilakanta also fails to teach or suggest such limitation. Accordingly, claims 1, 20, 39, and 45 are patentable over the cited references.

Claims 2-13, 21-32 and 48-55 each depend directly from independent claims 1, 20, 39, or 45 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to claims 1, 20, 39, and 45. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP


Mary Ramos Olynick
Reg. 42,963

P.O. Box 778
Berkeley, CA 94704-0778
(510) 843-6200

BEST AVAILABLE COPY